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May 2, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *McKoy, et al. v. The Trump Corp., et al.*, Case No. 18-cv-09936 (LGS)

Dear Judge Schofield:

This firm represents non-party ACN Opportunity, LLC (“ACN”) in these proceedings. On April 28, 2023, Plaintiffs filed redacted and unredacted versions of their letter responding to the Defendants’ request for leave to move for summary judgment [ECF Nos. 573, 574(under seal)]. Although Plaintiffs do not cite any evidence in their letter, they represent and some of the redacted statements suggest that they refer to certain non-public, sensitive business and financial information that ACN produced in discovery and designated confidential. Especially since the exact source of Plaintiffs’ statements cannot be discerned from the letter, ACN respectfully requests, pursuant to Rule I.D.3 of Your Honor’s Individual Rules and Procedures for Civil Cases, that any of ACN’s non-public information implicated by Plaintiffs’ letter remain sealed in the public record. In support of this request, ACN incorporates by reference its prior confidentiality letters filed at ECF Nos. 539, 555, and 569.

In addition, for the record, ACN expressly disputes the multiple mischaracterizations of ACN’s discovery materials contained in Plaintiffs’ letter, and objects to Plaintiffs’ ongoing misrepresentations of ACN’s business model and its product and service offerings.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stephanie Niehaus'. The signature is fluid and cursive, with the first name 'Stephanie' written in a larger, more prominent script than the last name 'Niehaus'.

Stephanie E. Niehaus

cc: All Counsel of Record (via ECF)